

AMENDED IN ASSEMBLY JUNE 23, 2005

AMENDED IN ASSEMBLY JUNE 21, 2005

AMENDED IN SENATE APRIL 27, 2005

AMENDED IN SENATE APRIL 11, 2005

**SENATE BILL**

**No. 37**

**Introduced by Senator Speier  
(Coauthors: Senators Alquist and Kuehl)**

December 16, 2004

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An act to amend Section 35179.1 of, and to add Article 6.5 (commencing with Section 49030) to Chapter 6 of Part 27 of, the Education Code, and to amend Section 110423.2 of the Health and Safety Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 37, as amended, Speier. Prohibited substances.

(1) Existing law sets forth the rights and responsibilities of pupils in public schools. Existing law further requires certain school employees to comply with various educational requirements.

Existing law expresses legislative findings and declarations regarding the need for education and training for interscholastic athletic coaches. Existing law expresses the intent of the Legislature to establish a California High School Coaching Education and Training Program, that would emphasize specified components, including sport physiology, which is described as principles of training, fitness for sport, development of a training program, and nutrition for athletes, to be administered by local school districts.

This bill would, in addition, describe the component of sport physiology as instruction on the harmful effects associated with the

use of steroids and performance-enhancing dietary supplements by adolescents. The bill would require each high school sports coach, as defined, to complete a coaching education program developed by his or her school district or by the California Interscholastic Federation that meets those training requirements. The bill would make that requirement operative on December 31, 2008.

~~The bill would require the State Department of Health Services to develop a list of substances prohibited for use~~ *prohibit specified dietary supplements from being used* by a pupil participating in interscholastic high school sports on or before July 1, 2006, with certain requirements. The bill would require the California Interscholastic Federation to amend its constitution and bylaws to require that school districts prohibit a pupil from participating in high school sports on and after July 1, 2007, unless that pupil signs a pledge not to use ~~a substance enumerated by the list~~ *prohibited dietary supplement* and the parent or guardian of that pupil signs a notification form regarding those restrictions.

The bill would prohibit the marketing, as specified, of ~~these substances~~ *prohibited dietary substances* on a schoolsite or at a school-related event.

(2) Existing law makes it a misdemeanor to furnish specified dietary supplements to a person under 18 years of age.

This bill would, in addition, pursuant to those provisions, make it a misdemeanor to furnish a dietary supplement containing synephrine to a person under 18 years of age, thereby creating a state-mandated local program by changing the definition of a crime.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 35179.1 of the Education Code is  
2 amended to read:

1 35179.1. (a) This section shall be known and may be cited as  
2 the 1998 California High School Coaching Education and  
3 Training Program.

4 (b) The Legislature finds and declares all of the following:

5 (1) The exploding demand in girls athletics, and an increase in  
6 the number of pupils participating in both boys and girls  
7 athletics, are causing an increase in the number of coaches  
8 needed statewide.

9 (2) Well-trained coaches are vital to the success of the  
10 experience of a pupil in sports and interscholastic athletic  
11 activities.

12 (3) Improvement in coaching is a primary need identified by  
13 hundreds of principals, superintendents, and school board  
14 members who participated in the development of a strategic plan  
15 for the California Interscholastic Federation (CIF) in 1993 and  
16 1994.

17 (4) There are many concerns about safety, training,  
18 organization, philosophy, communications, and general  
19 management in coaching that need to be addressed.

20 (5) It is a conservative estimate that at least 25,000 coaches  
21 annually need training and an orientation just to meet current  
22 coaching regulations contained in Title 5 of the California Code  
23 of Regulations, including basic safety and CPR requirements.

24 (6) School districts, in conjunction with the California  
25 Interscholastic Federation, have taken the initial first steps  
26 toward building a statewide coaching education program by  
27 assembling a faculty of statewide trainers composed of school  
28 district administrators, coaches, and athletic directors using a  
29 national program being used in several states.

30 (c) It is, therefore, the intent of the Legislature to establish a  
31 California High School Coaching Education and Training  
32 Program. It is the intent of the Legislature that the program be  
33 administered by local school districts and emphasize the  
34 following components:

35 (1) Development of coaching philosophies consistent with  
36 school, school district, and school board goals.

37 (2) Sport psychology: emphasizing communication,  
38 reinforcement of the efforts of young people, effective delivery  
39 of coaching regarding technique and motivation of the pupil  
40 athlete.

1 (3) Sport pedagogy: how young athletes learn, and how to  
2 teach sport skills.

3 (4) Sport physiology: principles of training, fitness for sport,  
4 development of a training program, nutrition for athletes, and the  
5 harmful effects associated with the use of steroids and  
6 performance-enhancing dietary supplements by adolescents.

7 (5) Sport management: team management, risk management,  
8 and working within the context of an entire school program.

9 (6) Training: certification in CPR and first aid.

10 (7) Knowledge of, and adherence to, statewide rules and  
11 regulations, as well as school regulations including, but not  
12 necessarily limited to, eligibility, gender equity and  
13 discrimination.

14 (8) Sound planning and goal setting.

15 (d) This section does not endorse a particular coaching  
16 education or training program.

17 SEC. 2. Article 6.5 (commencing with Section 49030) is  
18 added to Chapter 6 of Part 27 of the Education Code, to read:

19  
20 Article 6.5. Performance-Enhancing Substances

21  
22 49030. (a) ~~The State Department of Health Services shall, no~~  
23 ~~later than July 1, 2006, develop a list of substances prohibited for~~  
24 ~~use by a pupil participating in interscholastic high school sports.~~  
25 ~~The list shall include—Commencing July 1, 2006, dietary~~  
26 ~~supplements, as defined by subsection (ff) of Section 321 of Title~~  
27 ~~21 of the United States Code, that include any of the following~~  
28 ~~substances, are prohibited from being used by a pupil~~  
29 ~~participating in interscholastic high school sports:~~

30 (1) Synephrine.

31 (2) A prohibited substance enumerated by the United States  
32 Anti-Doping Agency Guide to Prohibited Substances and  
33 Prohibited Methods of Doping.

34 (b) (1) The list shall annually be amended by the State  
35 Department of Health Services, if necessary, in order to conform  
36 to the United States Anti-Doping Agency Guide to Prohibited  
37 Substances and Prohibited Methods of Doping.

38 (2) In order to be applicable for a school year, an amendment  
39 shall be submitted to the State Department of Education no later  
40 than the July 1 preceding that school year.

1 ~~(d)~~

2 (c) The State Department of Health Services shall notify the  
3 State Department of Education, which shall notify a school  
4 district that maintains any of grades 9 to 12, inclusive, of the  
5 completion or amendment of the list. The State Department of  
6 Education shall maintain the list on its Web site.

7 49031. (a) ~~A product that contains a substance enumerated~~  
8 ~~by the list maintained pursuant to~~ *dietary supplement prohibited*  
9 *by* Section 49030 may not be marketed on a schoolsite or at a  
10 school-related event.

11 (b) For purposes of this section, “marketing” includes all of  
12 the following:

13 (1) Direct product advertising.

14 (2) Athlete or event sponsorship, including sports clinic  
15 sponsorship.

16 (3) Provision of educational materials.

17 (4) Product promotion by a school district employee or school  
18 district volunteer.

19 (5) Product placement.

20 (6) Clothing or equipment giveaways.

21 (7) *Scholarships*.

22 49033. (a) (1) Effective December 31, 2008, each high  
23 school sports coach shall have completed a coaching education  
24 program developed by his or her school district or the California  
25 Interscholastic Federation that meets the guidelines set forth in  
26 Section 35179.1.

27 (2) The coaching education program described by paragraph  
28 (1) may be taught by an athletic director or high school sports  
29 coach who is deemed to be qualified by the California  
30 Interscholastic Federation.

31 (b) Upon completion of the program, a high school sports  
32 coach shall be deemed to have completed the education  
33 requirement for the remainder of his or her time coaching at the  
34 high school level in any school district in the state.

35 (c) Each high school sports coach shall be responsible for the  
36 costs of taking the course.

37 (d) The training requirements of this section shall count  
38 toward the continuing education required for the renewal of the  
39 teaching credential of a coach who is also a certificated  
40 employee.

(e) Notwithstanding subdivision (a), a high school sports coach who does not meet the requirements of subdivision (a) may be used for no longer than one season of interscholastic competition.

(f) For the purposes of this section, “high school sports coach” means an employee or a volunteer who is authorized by a high school to be responsible for leading a school sports team of pupil athletes.

49035. The California Interscholastic Federation shall amend its constitution and bylaws to require, as a condition of participation in interscholastic sports, that school districts effective July 1, 2007, upon the notification provided pursuant to subdivision (a) of Section 49032, prohibit a pupil from participating in interscholastic high school sports, unless that pupil signs a pledge not to use a substance enumerated by the list maintained pursuant to Section *dietary supplement prohibited by* Section 49030 and the parent and guardian of that pupil signs a notification form regarding those restrictions.

SEC. 3. Section 110423.2 of the Health and Safety Code is amended to read:

110423.2. (a) It is a misdemeanor for any manufacturer, wholesaler, retailer, or other person, to sell, transfer, or otherwise furnish any of the following to a person under 18 years of age:

(1) A dietary supplement containing an ephedrine group alkaloid.

(2) A dietary supplement containing any of the following:

(A) Androstenediol.

(B) Androstenedione.

(C) Androstenedione.

(D) Norandrostenediol.

(E) Norandrostenedione.

(F) Dehydroepiandrosterone.

(G) Synephrine.

(b) A seller shall request valid identification from any individual who attempts to purchase a dietary supplement set forth in subdivision (a) if that individual reasonably appears to the seller to be under 18 years of age.

(c) Notwithstanding subdivisions (a) and (b), a retail clerk who fails to request identification pursuant to subdivision (b) shall not be guilty of a misdemeanor pursuant to subdivision (a), subject to

1 any civil penalties, or subject to any disciplinary action or  
2 discharge by his or her employer. This subdivision shall not  
3 apply to a retail clerk who is a willful participant in an ongoing  
4 criminal conspiracy to violate this article.

5 SEC. 4. No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution because  
7 the only costs that may be incurred by a local agency or school  
8 district will be incurred because this act creates a new crime or  
9 infraction, eliminates a crime or infraction, or changes the  
10 penalty for a crime or infraction, within the meaning of Section  
11 17556 of the Government Code, or changes the definition of a  
12 crime within the meaning of Section 6 of Article XIII B of the  
13 California Constitution.